IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Crl.Rev.Pet.No. 454 of 2007()

CRA.672/2005 of ADDL. SESSIONS & DISTRICT JUDGE -II, MAVELIKKARA
CC.102/2004 of JUDL. MAGISTRATE OF FIRST CLASS-II, HARIPAD

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REVN. PETITIONER: APPELLANT/ACCUSED

SANTHOSH, AGED 30 YEARS, S/O. ANANDAN,
KAITHAPARAMBIL VADAKKATHIL,
THAMALLACKAL P.O., KUMARAPURAM.

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS: RESPONDENTS/STATE & COMPLAINANT

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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. KALESH, AGED 32 YEARS,
S/O. K.V.KUTTAPPAN, KALESH BHAVAN,
THAMALLACKAL P.O., KUMARAPURAM VILLAGE.

BY ADV. SRI.M.P.MADHAVANKUTTY
PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR.J

Crl.R.P No.454 OF 2007

Dated this the 1st day of February 2007

ORDER

Heard. Admitted. Public Prosecutor takes notice for the first respondent. Adv.Sri.M.P.Madhavankutty takes notice for the second respondent. Crl.Revision Petition itself is heard and disposed of as agreed to by both sides.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. They have filed Crl.M.A.No.1323/2007 seeking permission to compound the offence. Today I have allowed the application to compound the oofence. So Crl.Revision Petition is only to be allowed.

In the result Crl.Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of Negotiable Instruments Act are hereby set aside and he is acquitted under Section 320 (8) of Cr.P.C

K.PADMANABHAN NAIR.JUDGE

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K.PADMANABHAN NAIR.J

C.M.A No. 1323 of 2007 in Crl.R.P No.454 OF 2007

Dated this the 1st day of February 2007

ORDER

This is an application filed under Section 147 of Negotiable Instruments Act read with Section 320 of Cr.P.C seeking permission to compound the offence. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act convicted and sentenced to undergo simple imprisonment for one month and to pay Rs.30,000/- as compensation. In default of payment of compensation it was ordered that the petitioner shall undergo simple imprisonment for another one month. Revision petitioner filed Crl.Apeal No.672/2001. The appeal was dismissed as barred by limitation Hence this revision petition.

2. It is submitted by counsel on both sides that parties have settled the dispute out of court. The parties have filed this application seeking permission to compound the offence. It is admitted that the entire amount due to the complainant was paid. So the permission sought for is only to be granted.

In the result Crl.M.A is allowed . Permission sought for is granted and the offence is compounded.

K.PADMANABHAN NAIR.JUDGE

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